



Entered on Docket  
September 27, 2010

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

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*Counsel for the Reorganized Debtors*

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In re

THE RHODES COMPANIES, LLC, aka  
"Rhodes Homes," et al.,

Reorganized Debtors.

☒ Affects all Debtors

☐ Affects the following Debtors

Case No. BK-S-09-14814-LBR

(Jointly Administered)

Chapter 11

**STIPULATION AND ORDER REGARDING  
BRIEFING SCHEDULE**

James M. Rhodes (“Rhodes”), by and through his undersigned counsel, Fox Rothschild, LLP, and the above-captioned reorganized debtors (collectively, the “Reorganized Debtors”), by and through their undersigned counsel, Kolesar & Leatham, Chtd. and Akin Gump Strauss Hauer & Feld LLP, respectfully submit this Stipulation and Order Regarding Briefing Schedule (the “Stipulation”). Rhodes and the Reorganized Debtors are collectively referred to herein as the “Parties.” The Parties stipulate and agree as follows:

WHEREAS, on August 24, 2010 this Court held a status hearing (the “Hearing”) on the Reorganized Debtors’ Objection to James Rhodes’ Proof of Claim Number 814-33 and Notice of Amendment of Schedules of Assets and Liabilities (the “Objection”).

WHEREAS, during the Hearing, the Parties indicated that they had agreed that this matter should be bifurcated into two phases with respect to: (1) Rhodes’ entitlement to the Tax Claim<sup>1</sup> (“Phase I”); and (2) the discovery necessary to support (a) the amount of the Tax Claim (if Rhodes is found by the Court to have an entitlement to the Tax Claim), (b) allowance of the Greenway Claim, and (c) all issues regarding the Scheduling of Claims, including the Reorganized Debtors’ ability to amend the Statements after confirmation of the Third Amended Modified Plan of Reorganization Pursuant to Chapter 11 of the Bankruptcy Code for The Rhodes Companies, LLC, *et al.* (“Phase II”).

WHEREAS, this Court has requested that the Parties draft an order which sets forth the briefing schedule and hearing date with regard to the issue set forth in Phase I.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel for the Parties, as follows:

1. The Reorganized Debtors shall file their brief in opposition (the “Reorganized Debtors’ Brief”) to Rhodes’ entitlement to the Tax Claim on or before September 17, 2010.

2. Rhodes shall file any reply brief in support of Rhodes’ entitlement to the Tax Claim, and in opposition to the Reorganized Debtors’ Brief, on or before September 27, 2010.

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<sup>1</sup> All capitalized terms not otherwise defined herein shall have the meaning ascribed to such terms in the Objection.

3. The Reorganized Debtors shall file any reply brief in support of their opposition to Rhodes' entitlement to the Tax Claim on or before October 4, 2010.

4. The hearing regarding the Phase I briefs described above shall take place at 9:30 a.m. (PST) on November 4, 2010.

DATED this 15<sup>th</sup> day of September 2010.

Prepared and respectfully submitted by:

**FOX ROTHSCHILD LLP**

**AKIN GUMP STRAUSS HAUER & FELD  
LLP**

By /s/ Kevin N. Anderson

By /s/ Philip C. Dublin

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*Counsel for the Reorganized Debtors*

**ORDER**

It is so **ORDERED**.

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